

Date

Mayor Harold M. Rideau
City of Baker
P.O. Box 707
Baker, LA 70704

Re: Board Docket No. 2015-1391

Dear Mayor Rideau:

The Louisiana Board of Ethics, at its February 19, 2016 meeting, considered your request for an advisory opinion regarding two issues. First, you inquired as to whether the Code of Governmental Ethics (Code) would prohibit you from hiring Dalton Rainwater to work in the Baker Police Department while his father is a candidate for Baker Police Chief. Additionally, you inquired as to whether the Code would require you to terminate Dalton Rainwater's employment if his father, Darryl Rainwater, is elected Police Chief. You stated that Darryl Rainwater is a candidate for Baker Police Chief in the March 5, 2016 election.

The Board concluded, and instructed me to inform you that La. R.S. 42:1119A would not prohibit Dalton Rainwater's employment while his father Darryl Rainwater is a candidate for Baker Police Chief. However, Dalton Rainwater would be prohibited from continuing his employment if his father is elected Police Chief since he would not have been employed for at least a year before his father would be sworn in as Baker Police Chief. La. R.S. 42:1119C(2) provides a limited exception to the general nepotism prohibition and allows the continued employment and normal promotional advancement of a public employee when a member of the public employee's immediate family becomes the agency head of the public employee's agency, provided that such public employee has been employed in the agency for a period of at least one year prior to the member of the public employee's immediate family becoming the agency head.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,
LOUISIANA BOARD OF ETHICS

Suzanne Quinlan Mooney
For the Board

cc. Darryl Rainwater
Dalton Rainwater